UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,683	07/13/2001	Hideharu Yoneyama	KUD.041	4298

21254	7590	05/23/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/903,683	YONEYAMA, HIDEHARU
	Examiner	Art Unit
	Ted T. Vo	2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _25 January 2005_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-5, 9-13, 16 and 18_ is/are rejected.

7) ☐ Claim(s) _6-8, 14, 15 and 17_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on 01/25/05, responsive to the Office action

dated, 10/25/04.

             - Claims 2, 3, 6-15 are amended. Claims 16-18 are newly added.

        Within this detailed action,

             - Claims 1-5, 9-13, 16, 18 stand finally rejected under 35 U.S.C 102(b) as being anticipated by

Stack (US Pat. No 5,815,717).

             - Claims 1-18 are pending in this application.

Drawings

2.   The drawings were received on 01/25/05. These drawings are accepted.

Response to Arguments

3.   Applicants' arguments in the Remarks section filed on 01/25/2005 have been fully considered but

not persuasive.

        Especially, Applicants assert that "client program" is a term of art. Applicants argue Stack does

not address a "client program". Applicants content that "Stack provides for an automatic generation of <u>an</u>

<u>application program</u>, not a client program. Applicants argue there is no suggestion of extending the

automatic code generation capability to subsequently create a second software program that uses the

generated application program (e.g., a client program)". Applicants contend Stack does not teach what

they underscored in the Claim 1 and Claim 9 given in the Remarks section, pages 13 and 14.

Examiner respectfully disagrees:

It should be noted that the Claims presenting in the rejection do the same what Stack does. The term "Client" used in "client program" is an intended use. The functionality in the claims does nothing else, but results in a structural similarity between the claimed invention and the prior art.

A recitation of the intended use of the claimed invention <u>must result in a structural difference</u> between the **claimed** invention and <u>the prior art</u> in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it <u>meets</u> the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-5, 9-13, 16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Stack (US Pat. No 5,815,717).

Given the broadest reasonable interpretation of followed claims in light of the specification.

<u>As per Claim 1</u>: Stack discloses,

An automatic software component creating system comprising:

a software component definition data storage section which stores software component definition data therein (See FIG. 6, FILE DEF 92, PGM DEF 94, FIELD DEF 96; and see column 3, lines 46-47, "input event elements" in the image editor: *component definition data);*

a software component creation rule storage section which stores software component creation rules therein (See FIG 7, RULES 120, 128);

a client program creation rule storage section which stores client program creation rules therein (See FIG 7, RULES 122, 126);

a software component creating section which creates a software component module with one or more software components based on said software component definition data and said software component creation rules in response to a start instruction (See FIG. 4, Object store, or FIG. 6, SEQUENCE GENERATOR 66; and see Columns 12-13, the body that describes FIG.4); *and*

a client program creating section which creates a client program source code based on said software component definition data, said software component module, and said client program creation rules, when said software component module is created (See FIG. 4, APPLICATION STRUCTURE).

As per Claim 2: Stack discloses, "

The automatic software component creating system according to claim 1, wherein said software component definition data includes module data which includes at least one component data, which includes at least one method data, which includes at least one parameter data (See FIG. 6, "92", "94", "96", and in column 26, at lines 57-58, it shows Field Definition having attributes).

As per Claim 3: Stack discloses,

The automatic software component creating system according to claim 2, wherein said module data includes a module name, said component data includes component data and component attribute data, said method data includes a method name, method attribute data, method call format data, and method call order data, and said parameter data includes a parameter name, a parameter type, and a parameter type data. (Claim recites standard elements of a program, object: These are shown as Programmer Specification in FIG.6).

As per Claim 4: Stack discloses,

The automatic software component creating system according to claim 2, further comprising: a software component defining section which defines said software component definition data from inputted data to store in said software component definition data storage section (See FIG. 6, as in APPLICTION SEQUENCES).

As per Claim 5: Stack discloses,

"*The automatic software component creating system according to claim 4, wherein said software component defining section comprises: a component data defining section which defines said component data associated with said module data from said inputted data; a method data defining section which defines said method data associated with said component data from said inputted data; and a parameter data defining section which defines said parameter data associated with the method data from said inputted data.*" (See FIG. 6, referring to the filed definition 96, file definition 92 in the editor).

As per Claim 9: Claim 9 is a method performed from the claimed components of Claim 1, Stack discloses the claimed limitations as it shows the editor that generate program components as reasoned in connecting to the rejection of Claim 1.

As per Claim 10: Claim 10 is a method performed from the claimed components of Claim 2, Stack discloses the claimed limitations as it shows the editor that generate program components as reasoned in connecting to the rejection of Claim 2.

As per Claim 11: Claim 11 is a method performed from the claimed components of Claim 3, Stack discloses the claimed limitations as it shows the editor that generate program components as reasoned in connecting to the rejection of Claim 3.

As per Claim 12: Claim 12 is a method performed from the claimed components of Claim 4, Stack discloses the claimed limitations as it shows the editor that generate program components as reasoned in connecting to the rejection of Claim 4.

As per Claim 13: Claim 13 is a method performed from the claimed components of Claim 5, Stack discloses the claimed limitations as it shows the editor that generate program components as reasoned in connecting to the rejection of Claim 5.

As per Claim 16: Stack provides for an automatic generation of <u>an application program</u> that is recited in

Claim 16 (See Fig. 1).

As per Claim 18: Stack provides for an automatic generation of <u>an application program</u> that is recited in

Claim 18 (See Fig. 1).

Allowable Subject Matter

6.   Claims 6, 8, and 14, 15, and 17 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims. The cited prior arts of record taken alone or in combination, including prior

art of record, Stack, fail to teach claimed features as recited in Claims 6, 8, and 14, 15, and 17.

Claim 7 is objected to because the claims depend on Claim 6, which is objected to above.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth
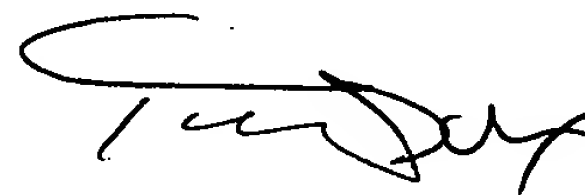
in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted T. Vo
Primary Examiner
Art Unit 2192
May 10, 2005